

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A 10-YEAR LEASE
WITH LIBERTY ARTS, INC. FOR THE LIBERTY ARTS PAVILION
LOCATED AT 505 RIGSBEE AVENUE**

WHEREAS, the City owns property located at 505 Rigsbee Avenue, which is part of Durham Central Park (the Property); and

WHEREAS, the City and Liberty Arts, Inc. (Liberty Arts) entered into a development agreement in 2003 that governed the construction of an arts pavilion on the Property, which Liberty Arts subsequently built pursuant to that agreement; and

WHEREAS, Liberty Arts has been leasing the pavilion, which contains a foundry for the purpose of casting sculpture, from the City since 2003 and has requested a new 10-year lease in order to continue its mission of transforming the City of Durham through the arts; and

WHEREAS, the City may enter into a 10-year lease with Liberty Arts pursuant to N.C.G.S. §160A-279, which states, in pertinent part, that "Whenever a city or county is authorized to appropriate funds to any public or private entity which carries out a public purpose, the city or county may...convey by private sale to such an entity any real or personal property which it owns.... The city or county shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity. The procedural provisions of G.S. 160A-267 shall apply."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM, NORTH CAROLINA AS FOLLOWS:

The City Manager is hereby authorized to execute a 10-year lease with Liberty Arts, Inc. that will set forth the parties' respective rights and obligations related to the Liberty Arts pavilion located at 505 Rigsbee Avenue, and in return for this lease and pursuant to its provisions, Liberty Arts, Inc. shall use the pavilion for the public arts purposes specified therein.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF DURHAM. THIS THE ____ DAY OF _____, 2016.